

117TH CONGRESS
1ST SESSION

S. 2065

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2021

Mr. BROWN (for himself, Mr. SANDERS, Ms. WARREN, Mr. PADILLA, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BOOKER, Ms. DUCKWORTH, Ms. HIRONO, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. CASEY, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Supplemental Security Income Restoration Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Update in eligibility for the supplemental security income program.
- Sec. 3. Update in supplemental security income benefit amounts and repeal of marriage penalty.
- Sec. 4. Support and maintenance furnished in kind not included as income.
- Sec. 5. Exclusion of retirement accounts from resources.
- Sec. 6. Repeal of penalty for disposal of resources for less than fair market value.
- Sec. 7. Clarifying the treatment of certain State tax credits.
- Sec. 8. Elimination of dedicated accounts for certain past-due benefits.
- Sec. 9. Elimination of installment payment requirement.
- Sec. 10. Extension of period of exclusion of certain payments from countable resources.
- Sec. 11. Modification of rules to determine marital relationships.
- Sec. 12. Effective date.

1 SEC. 2. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL
2 SECURITY INCOME PROGRAM.

3 (a) UPDATE IN GENERAL INCOME EXCLUSION.—
4 Section 1612(b)(2)(A) of the Social Security Act (42
5 U.S.C. 1382a(b)(2)(A)) is amended by striking “\$240”
6 and inserting “\$1,536 (increased as described in section
7 1617(d) for each calendar year after 2022)”.

8 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-
9 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) is
10 amended by striking “\$780” each place it appears and
11 inserting “\$4,992 (increased as described in section
12 1617(d) for each calendar year after 2022)”.

13 (c) UPDATE IN RESOURCE LIMIT FOR INDIVIDUALS
14 AND COUPLES.—Section 1611(a)(3) of such Act (42
15 U.S.C. 1382(a)(3)) is amended—

16 (1) in subparagraph (A), by striking “\$2,250”
17 and all that follows through the end of the subpara-
18 graph and inserting “\$20,000 in calendar year

1 2022, and shall be increased as described in section
 2 1617(d) for each subsequent calendar year.”; and

3 (2) in subparagraph (B), by striking “\$1,500”
 4 and all that follows through the end of the subpara-
 5 graph and inserting “\$10,000 in calendar year
 6 2022, and shall be increased as described in section
 7 1617(d) for each subsequent calendar year.”.

8 (d) INFLATION ADJUSTMENT.—Section 1617 of such
 9 Act (42 U.S.C. 1382f) is amended—

10 (1) in the section heading, by inserting “; IN-
 11 FLATION ADJUSTMENT” after “BENEFITS”; and

12 (2) by adding at the end the following:

13 “(d) In the case of any calendar year after 2022, each
 14 of the amounts specified in sections 1611(a)(3),
 15 1612(b)(2)(A), and 1612(b)(4) shall be increased by mul-
 16 tiplying each such amount by the quotient (not less than
 17 1) obtained by dividing—

18 “(1) the average of the Consumer Price Index
 19 for Elderly Consumers (CPI-E, as published by the
 20 Bureau of Labor Statistics of the Department of
 21 Labor) for the 12-month period ending with Sep-
 22 tember of the preceding calendar year, by

23 “(2) such average for the 12-month period end-
 24 ing with September 2021.”.

1 **SEC. 3. UPDATE IN SUPPLEMENTAL SECURITY INCOME**
 2 **BENEFIT AMOUNTS AND REPEAL OF MAR-**
 3 **RIAGE PENALTY.**

4 (a) IN GENERAL.—Section 1611(b) of the Social Se-
 5 curity Act (42 U.S.C. 1382(b)) is amended—

6 (1) in paragraphs (1) and (2), by inserting
 7 “through calendar year 2021” after “any calendar
 8 year thereafter”; and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(3) The benefit under this title for calendar
 12 year 2022 and each calendar year thereafter shall be
 13 equal to—

14 “(A) for an individual who does not have
 15 an eligible spouse, an amount equal to the pov-
 16 erty line (as defined in section 2110(c)(5)) ap-
 17 plicable to a family of 1 for the calendar year
 18 involved; and

19 “(B) for an individual who has an eligible
 20 spouse, an amount equal to twice the amount
 21 specified for the calendar year involved under
 22 subparagraph (A),

23 reduced by the amount of income, not excluded pur-
 24 suant to section 1612(b), of such individual and (if
 25 applicable) such eligible spouse.”.

26 (b) CONFORMING AMENDMENTS.—

1 (1) Section 1617(a)(1) of the Social Security
2 Act (42 U.S.C. 1382f(a)(1)) is amended by striking
3 “, (a)(2)(A), (b)(1), and (b)(2)” and inserting “and
4 (a)(2)(A)”.

5 (2) Section 1619(a)(1) of such Act (42 U.S.C.
6 1382h(a)(1)) is amended by striking “under section
7 1611(b)(1) (or, in the case of an individual who has
8 an eligible spouse, under section 1611(b)(2))” and
9 inserting “under section 1611(b)(3)(A) (or, in the
10 case of an individual who has an eligible spouse,
11 under section 1611(b)(3)(B))”.

12 (3) Section 1621(b)(1)(B)(i) of such Act (42
13 U.S.C. 1382j(b)(1)(B)(i)) is amended by striking
14 “section 1611(b)(1)” and inserting
15 “1611(b)(3)(A)”.

16 (4) Section 1903(f)(4)(C) of such Act (42
17 U.S.C. 1396b(f)(4)(C)) is amended by striking “sec-
18 tion 1611(b)(1)” and inserting “section
19 1611(b)(3)(A)”.

20 (5) Section 1915(h)(6)(A) of such Act (42
21 U.S.C. 1396n(h)(6)(A)) is amended by striking “sec-
22 tion 1611(b)(1)” and inserting “section
23 1611(b)(3)(A)”.

1 **SEC. 4. SUPPORT AND MAINTENANCE FURNISHED IN KIND**
 2 **NOT INCLUDED AS INCOME.**

3 (a) IN GENERAL.—Section 1612(a)(2) of such Act
 4 (42 U.S.C. 1382a(a)(2)) is amended—

5 (1) by inserting “(other than support or main-
 6 tenance furnished in kind)” after “all other income”;
 7 and

8 (2) in subparagraph (A)—

9 (A) by striking “or kind”;

10 (B) by striking clause (i) and redesignig-
 11 nating clauses (ii) and (iii) as clauses (i) and
 12 (ii), respectively; and

13 (C) in clause (ii) (as so redesignated), by
 14 striking “and the provisions of clause (i) shall
 15 not be applicable”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 1611(c) of such Act (42 U.S.C.
 18 1382(c)) is amended by striking paragraph (6) and
 19 redesignating paragraphs (7) through (10) as para-
 20 graphs (6) through (9), respectively.

21 (2) Section 1612(a)(2) of such Act (42 U.S.C.
 22 1382a(a)(2)) is amended—

23 (A) in subparagraph (F), by inserting
 24 “and” at the end;

25 (B) in subparagraph (G), by striking “;
 26 and” and inserting a period;

1 (C) by moving subparagraph (G) 2 ems to
 2 the right; and

3 (D) by striking subparagraph (H).

4 (3) Section 1621(c) of such Act (42 U.S.C.
 5 1382j(c)) is amended to read as follows:

6 “(c) In determining the amount of income of an alien
 7 during the period of 5 years after such alien’s entry into
 8 the United States, support or maintenance furnished in
 9 cash to the alien by such alien’s sponsor (to the extent
 10 that it reflects income or resources which were taken into
 11 account in determining the amount of income and re-
 12 sources to be deemed to the alien under subsection (a)
 13 or (b) of this section) shall not be considered to be income
 14 of such alien under section 1612(a)(2)(A).”.

15 **SEC. 5. EXCLUSION OF RETIREMENT ACCOUNTS FROM RE-**
 16 **SOURCES.**

17 Section 1613(a) of the Social Security Act (42 U.S.C.
 18 1382b(a)) is amended—

19 (1) in paragraph (16), by striking “; and” and
 20 inserting a semicolon;

21 (2) in paragraph (17), by striking the period at
 22 the end and inserting “; and”; and

23 (3) by inserting after paragraph (17) the fol-
 24 lowing new paragraph:

1 “(18) any qualified retirement plan or eligible
 2 deferred compensation plan (as such terms are de-
 3 fined in sections 4974(c) and 457(b), respectively, of
 4 the Internal Revenue Code of 1986).”.

5 **SEC. 6. REPEAL OF PENALTY FOR DISPOSAL OF RE-**
 6 **SOURCES FOR LESS THAN FAIR MARKET**
 7 **VALUE.**

8 Section 1613(c) of such Act (42 U.S.C. 1382b(c)) is
 9 amended to read as follows:

10 “(c) NOTIFICATION OF MEDICAID POLICY RESTRICT-
 11 ING ELIGIBILITY OF INSTITUTIONALIZED INDIVIDUALS
 12 FOR BENEFITS BASED ON DISPOSAL OF RESOURCES FOR
 13 LESS THAN FAIR MARKET VALUE.—

14 “(1) IN GENERAL.—At the time an individual
 15 (and the individual’s eligible spouse, if any) applies
 16 for benefits under this title, and at the time the eli-
 17 gibility of an individual (and such spouse, if any) for
 18 such benefits is redetermined, the Commissioner of
 19 Social Security shall—

20 “(A) inform such individual of the provi-
 21 sions of section 1917(c) providing for a period
 22 of ineligibility for benefits under title XIX for
 23 individuals who make certain dispositions of re-
 24 sources for less than fair market value, and in-
 25 form such individual that information obtained

pursuant to subparagraph (B) will be made available to the State agency administering a State plan under title XIX (as provided in paragraph (2)); and

“(B) obtain from such individual information which may be used by the State agency in determining whether or not a period of ineligibility for such benefits would be required by reason of section 1917(c).

“(2) PROVISION OF INFORMATION TO STATE MEDICAID AGENCIES.—The Commissioner of Social Security shall make the information obtained under paragraph (1)(B) available, on request, to any State agency administering a State plan approved under title XIX.”.

SEC. 7. CLARIFYING THE TREATMENT OF CERTAIN STATE TAX CREDITS.

Title XVI of the Social Security Act (42 U.S.C. 1382a) is amended—

(1) in section 1612(b)(19), by striking “and any payment” and all that follows through “credit)” and inserting “and any refund of State income taxes made to such individual (or such spouse) by reason of a State earned income tax credit (as defined by the Secretary)”;

1 (2) in section 1613(a)(11)—

2 (A) in subparagraph (A), by inserting “,
3 and any refund of State income taxes made to
4 such individual (or such spouse) by reason of a
5 State child tax credit (as defined by the Sec-
6 retary)” before the semicolon; and

7 (B) in subparagraph (B), by striking “and
8 any payment” and all that follows through
9 “credit)” and inserting “and any refund of
10 State income taxes made to such individual (or
11 such spouse) by reason of a State earned in-
12 come tax credit (as defined by the Secretary)”.

13 **SEC. 8. ELIMINATION OF DEDICATED ACCOUNTS FOR CER-**
14 **TAIN PAST-DUE BENEFITS.**

15 (a) IN GENERAL.—Section 1631(a)(2) of the Social
16 Security Act (42 U.S.C. 1383(a)(2)) is amended by strik-
17 ing subparagraph (F).

18 (b) CONFORMING AMENDMENTS.—

19 (1) RELATING TO PAYMENTS AND PROCE-
20 DURES.—Section 1631(a)(2) of the Social Security
21 Act (42 U.S.C. 1383(a)(2)), as amended by sub-
22 section (a), is amended—

23 (A) by redesignating subparagraphs (G),
24 (H), and (I) as subparagraphs (F), (G), and
25 (H), respectively;

(B) in subparagraph (B)(vii)(I), by striking “subparagraph (I)” and inserting “subparagraph (H)”;

(C) in subparagraph (D)—

(i) in clause (i), by striking “subparagraphs (E) and (F)” and inserting “subparagraph (E)”; and

(ii) in clause (ii), by striking “subparagraph (I)” and inserting “subparagraph (H)”;

(D) in subparagraph (E), by striking “subparagraph (H)(ii)” and inserting “subparagraph (G)(ii)”; and

(E) in subparagraph (G)(i)(II), as redesignated by subparagraph (A), by striking “subparagraph (I)” and inserting “subparagraph (H)”.

(2) EXCLUSIONS FROM INCOME.—

(A) IN GENERAL.—Section 1612(b) of the Social Security Act is amended—

(i) by striking paragraph (21); and

(ii) by redesignating paragraphs (22) through (26) as paragraphs (21) through (25), respectively.

1 (B) CONFORMING AMENDMENT.—Section
 2 1613(a)(17) of such Act is amended by striking
 3 “section 1612(b)(26)” and inserting “section
 4 1612(b)(25)”.

5 (3) EXCLUSIONS FROM RESOURCES.—Section
 6 1613(a) of the Social Security Act, as amended by
 7 section 5, is amended—

8 (A) by striking paragraph (12); and

9 (B) by redesignating paragraphs (13)
 10 through (18) as paragraphs (12) through (17),
 11 respectively.

12 (c) TREATMENT OF AMOUNTS TRANSFERRED FROM
 13 DEDICATED ACCOUNTS.—Amounts transferred from an
 14 account established on behalf of an individual as described
 15 in section 1631(a)(2)(F) of the Social Security Act (42
 16 U.S.C. 1383(a)(2)(F)) (as in effect on the day before the
 17 date of enactment of this Act) into another account of the
 18 individual as a result of the amendments made by this
 19 section shall not be taken into account as income or re-
 20 sources of such individual for purposes of determining the
 21 eligibility of such individual or any other individual for
 22 benefits or assistance, or the amount or extent of such
 23 benefits or assistance, under title XVI of the Social Secu-
 24 rity Act (42 U.S.C. 1381 et seq.), under any other Federal

1 program, or under any State or local program financed
 2 in whole or in part with Federal funds.

3 **SEC. 9. ELIMINATION OF INSTALLMENT PAYMENT RE-**
 4 **QUIREMENT.**

5 Section 1631(a) of the Social Security Act (42 U.S.C.
 6 1383(a)) is amended by striking paragraph (10).

7 **SEC. 10. EXTENSION OF PERIOD OF EXCLUSION OF CER-**
 8 **TAIN PAYMENTS FROM COUNTABLE RE-**
 9 **SOURCES.**

10 Section 1613(a)(7) of the Social Security Act (42
 11 U.S.C. 1382b(a)(7)) is amended by striking “9 months”
 12 and inserting “21 months”.

13 **SEC. 11. MODIFICATION OF RULES TO DETERMINE MAR-**
 14 **ITAL RELATIONSHIPS.**

15 (a) IN GENERAL.—Section 1614(d) of the Social Se-
 16 curity Act (42 U.S.C. 1382c(d)) is amended by striking
 17 “except that” and all that follows through the end of the
 18 subsection and inserting “except that if two individuals
 19 have been determined to be married under section
 20 216(h)(1) for purposes of title II they shall be considered
 21 (from and after the date of such determination or the date
 22 of their application for benefits under this title, whichever
 23 is later) to be married for purposes of this title.”.

24 (b) CONFORMING AMENDMENTS.—Title XVI of the
 25 Social Security Act (42 U.S.C. 1381 et seq.) is amended—

1 (1) in section 1611(e)(3)—

2 (A) by striking “a husband and wife” each
3 place it appears and inserting “two married in-
4 dividuals”; and

5 (B) by striking “such husband and wife”
6 and inserting “such married individuals”;

7 (2) in section 1614(b)—

8 (A) in the first sentence, by striking “the
9 husband or wife of” and inserting “married to”;
10 and

11 (B) in the second sentence, by striking
12 “husband and wife” and inserting “married”;
13 and

14 (3) in section 1631(b)(1)(A)(i), by striking
15 “husband or wife” and inserting “spouse”.

16 **SEC. 12. EFFECTIVE DATE.**

17 The amendments made by this Act shall take effect
18 on January 1, 2022.

○